

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 5-10, 14-19, 23-28, and 32-36 are pending in this application. Claims 1, 5-10, 14-19, 23-28, and 32-36 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-31 of U.S. patent 6,662,225 in view of U.S. 6,108,492 to Miyachi. Claims 1, 5-10, 14-19, 23-28, and 32-36 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-16 of U.S. patent 7,131,070 in view of Miyachi. Claims 1, 5-10, 14-19, 23-28, and 32-36 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-28 of U.S. patent 7,743,133 in view of Miyachi. Claims 1, 5-10, 14-19, 23-28, and 32-36 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-24 of U.S. patent 7,533,344 in view of Miyachi. Those rejections are traversed as now discussed.

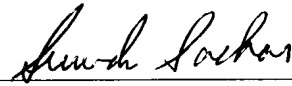
Submitted with the present response is a Terminal Disclaimer over each of U.S. patent 6,662,225, U.S. patent 7,130,070, U.S. patent 7,743,133, and U.S. patent 7,533,344. The submission of that Terminal Disclaimer is believed to address each of the outstanding double patenting rejections.

The filing of a Terminal Disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The “filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.” Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

As no other issues are pending in this application, it is respectfully submitted this application is in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Surinder Sachar
Registration No. 34,423

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

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